

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ENFORCEMENT OF MOTOR CARRIER SAFETY  
5 STANDARDS; REQUIRING PROBABLE CAUSE OR A WARRANT TO STOP AND INSPECT COMMERCIAL  
6 MOTOR VEHICLES; AND AMENDING SECTION 61-10-154, MCA."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9  
10 **Section 1.** Section 61-10-154, MCA, is amended to read:

11 **"61-10-154. Department of transportation to adopt motor carrier safety standards --**  
12 **enforcement -- designation of peace officers -- duties -- violations.** (1) As used in this section, the terms  
13 "for-hire motor carrier", "private motor carrier", "gross vehicle weight rating", and "gross combination weight  
14 rating" have the same meaning as provided in 49 CFR 390.5.

15 (2) The department of transportation shall adopt, by rule, standards for safety of operations of:

- 16 (a) any for-hire motor carrier or any private motor carrier;
- 17 (b) any motor vehicle or vehicle combination used in interstate commerce that has a gross vehicle  
18 weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight, whichever is  
19 greater, of 10,001 pounds or more;

- 20 (c) any motor vehicle or vehicle combination used in intrastate commerce that has a gross vehicle  
21 weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight, whichever is  
22 greater, of 26,001 pounds or more and that is not a farm vehicle operating solely in Montana;

- 23 (d) any motor vehicle that is designed or used to transport at least 16 passengers, including the  
24 driver, and that is not used to transport passengers for compensation;

- 25 (e) any motor vehicle that is designed or used to transport at least nine passengers, including the  
26 driver, for compensation; or

- 27 (f) any motor vehicle that is used to transport hazardous materials of a type or quantity that requires  
28 the vehicle to be marked or placarded in accordance with federal hazardous materials regulations in 49 CFR,

1 part 172.

2 (3) Standards of safety adopted under this section must substantially comply, within allowed tolerance  
3 guidelines, to the federal motor carrier safety regulations and the federal hazardous material regulations as  
4 applied to motor carriers and vehicles transporting passengers or property in commerce.

5 (4) The department of transportation shall work with the highway patrol in the enforcement of safety  
6 standards adopted pursuant to this section. The highway patrol and the department of transportation shall  
7 cooperate to ensure minimum duplication and maximum coordination of enforcement efforts.

8 (5) In order to enforce compliance with safety standards adopted pursuant to this section, the  
9 department of transportation shall designate employees as peace officers. The designated employees must be  
10 employed in the administration of the motor carrier services functions of the department of transportation. Each  
11 employee designated as a peace officer may:

12 (a) issue citations and make arrests in connection with violations of safety standards adopted under  
13 this section;

14 (b) issue summonses;

15 (c) accept bail;

16 (d) serve warrants for arrest;

17 (e) make reasonable inspections of cargo carried by commercial motor vehicles, only if there is  
18 probable cause or a warrant to stop the vehicles;

19 (f) enforce the provisions of Title 49 of the United States Code and regulations that have been  
20 adopted under Title 49 and make reasonable safety inspections of commercial motor vehicles used by motor  
21 carriers, only if there is probable cause or a warrant to stop the vehicles; and

22 (g) require production of documents relating to the cargo, driver, routing, or ownership of commercial  
23 motor vehicles.

24 (6) In addition to other enforcement duties assigned under 61-10-141 and this section, an employee  
25 of the department of transportation who is appointed as a peace officer pursuant to 61-12-201 or this section  
26 has:

27 (a) the same authority to enforce provisions of the motor carriers law as that granted to the public  
28 service commission under 69-12-203;

